

Notice of Allowability

Application No.

09/878,946

Examiner

Leonard S Liang

Applicant(s)

KUBOTA ET AL.

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 05/14/04.
2. ☒ The allowed claim(s) is/are 53,54,56 and 58-63.
3. ☒ The drawings filed on 28 March 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 01/14/04, 08/22/03, 02/27/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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DETAILED ACTION

Information Disclosure Statement

The examiner has considered the applicant's remarks in regards to the three Information Disclosure Statements with PTO-1449 forms that have not been received. Though the examiner believed that these forms had been sent out previously, the examiner has included these three initialed forms in this action.

Drawings

The examiner has considered the applicant's remarks that an objection was lodged against the replacement drawing sheets filed on March 28, 2003, but the applicant could find no mention of an actual objection in the Body of the Office Action. The examiner responds that the drawings were previously objected under a "jumbo specification" objection. That is, the examiner was requesting the applicant's help in matching the reference numbers in the specification with those in the drawings. Since, that has been done by the applicant, those drawings will now be accepted.

Allowable Subject Matter

Claims 53-54, 56, and 58-63 are allowed.

The following is an examiner's statement of reasons for allowance:

Since the prior rejection did not give a clear reason for allowance, one will be given here. The primary reason for the allowance of claims 53-54, 56, and 58-63 is the inclusion of the limitation of "a flow rate adjustment apparatus, disposed in said connection path, for adjusting a

flow rate of said connection path in accordance with information from the first monitor means, wherein said flow rate adjustment apparatus is a second solid semiconductor element comprising: at least receiving means for receiving the pressure information transmitted from said first monitor means; an open/close valve which operates in response to said received pressure information; and energy converting means for converting an energy applied from the outside to an energy different from said applied energy to operate said receiving means and said open/close valve.” It is this limitation found in each of the claims, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which, makes these claims allowable over the prior art. This is the limitation that was debated on between the examiner and the applicant in previous interviews.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard S Liang whose telephone number is (571) 272-2148. The examiner can normally be reached on 8:30-5 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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LAMSON NGUYEN
PRIMARY EXAMINER
07/20/07